

REMARKS

In accordance with the above amendments, claim 10 has been amended and claims 11 and 12-15 have been canceled. Thus, claims 10, 12, and 16-24 remain under consideration in this application. No claim has yet been allowed.

Claim Rejections - 35 USC § 112

It is noted that claim 10 has been rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The claim is deemed vague and indefinite. This rejection is respectfully traversed.

The claim language merely points out that the storage container for the used patch is a separate entity from the patch device itself. By the present amendments, applicants have added further, clarifying language and believe that the language of the claim and the claim meaning is now extremely clear and differentiates the disposed system of the present invention from used patch storage containers which are attached to a skin-worn patch device. Accordingly, the Applicants respectfully request that the Examiner reconsider and withdraw this rejection.

Claim Rejections - 35 USC § 103

The claims under consideration have been rejected under 35 USC § 103(a) as being unpatentable over Marcenyac et al. (U.S.

Patent Publication No. 2004/0146547 A1). This rejection is respectfully traversed for reasons that follow.

First, Applicants submit that the reference is not of good date. The reference is not an issued patent and was not published until July 29, 2004, which is well after the filing date of the present application. For this reason, this reference should be withdrawn as being not of good date.

In addition and notwithstanding the above, Applicants' amended claims clarify what they believe to be clearly patentable subject matter and are believed to also distinguish over the content of the above cited reference. Note that the present claims 10, 12 and 16-17 clearly require an anti-abuse substance "selected from the group consisting of binding and adsorption agents that prevent later extraction of said abusable substance of interest using a solvent selected from the group consisting of water, ethanol or combinations thereof". Therefore, even were the cited Marcenyac et al publication of good date, it does not teach or suggest the use of such a binding or adsorption agent which prevents such subsequent solvent extraction.

In addition, claims 18-24 which require a self-extracting separator membrane which is removed automatically upon the removal of the patch from the skin of a user is clearly not taught or suggested in the cited reference.

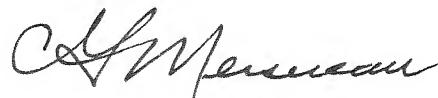
Thus, it is believed that the primary reference applied by the Examiner not only is not of good date but also fails to support an obviousness rejection against any of the present claims.

Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Given the above amendments taken together with the remarks herein, Applicants remain convinced that the present claims are patentably distinct from the prior art references known to them taken either singularly or in combination and reconsideration and allowance of the claims is respectfully requested.

Respectfully submitted,

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